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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,930	10/27/2001	Brian A. Brunswick	006593-1870-C1	1688

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EXAMINER

COOLEY, CHARLES E

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 09/25/2003

*UP*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/039,930

Applicant(s)

BRUNSWICK ET AL.

Examiner

Charles E. Cooley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-17, 20, 24, 25, 27, 28 and 32-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 4-8, 43-46 and 49-51 is/are allowed.
- 6) ☒ Claim(s) 3, 9, 11, 20, 24, 28, 34-36, 41 and 47 is/are rejected.
- 7) ☒ Claim(s) 12-17, 25, 27, 32, 33, 37-40, 42 and 48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) = \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:
  - a. Page 1: the status of the parent application should be updated as being U.S.

Patent No. 6,494,610.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 20, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is technically incorrect as the angle appears to be 90 degrees rather than 180 degrees (see Figure 17).

Claim 20: "said locking bracket" lacks antecedent basis.

Claim 28: "said motor" lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 672619.

GB 672619 discloses a mixer having a bowl 16 with a protruding part 17; mixer body with a rotatable output component (Fig. 1); yoke 10; hinge (the other of 15, 17 – Fig. 2); locking pin 21 adjacent the protruding part 17; the pin 21 being movable between the recited positions as seen in Figs. 3 and 4.

6. Claims 34 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Sanpei et al. (US 6,595,680).

Sanpei et al. (US 6,595,680) discloses a mixer having a bowl 2, 3; mixer body 5 having a rotatable output component 15 therein; a hinge structure 24, 40 attached to the bowl and mixer body to enable the bowl to pivot about the hinge relative to the mixer body and into multiple positions (Figs. 4, 7, 8, and 9); and a sensor 52 or 53.

7. Claims 24, 28, 34, 35, 36, and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagan (US 4,854,711).

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Hagan (US 4,854,711) discloses a mixer having a bowl 210; mixer body 172 having a rotatable output component 200; a hinge structure 188, 320 attached to the bowl and mixer body to enable the bowl to pivot about the hinge relative to the mixer body and into multiple positions (Figs. 6A and 6B); a sensor 450 in the form of a switch coupled to the mixer body; the bowl having a protrusion 454 which engages an actuating assembly of the switch as seen in Fig. 14; control unit (col. 7, lines 47-50).

8. Claims 28, 34, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Derksen (US 5,123,747).

Derksen (US 5,123,747) discloses a mixer having a 1; mixer body 6 having a rotatable output component 4; a hinge structure (at 7) attached to the mixer body to enable the bowl to pivot about the hinge relative to the mixer body and into multiple positions (Fig. 2); a sensor 18 in the form of a switch coupled to the mixer body; the bowl having a protrusion 3b which engages the switch as seen in Fig. 3; control unit 17.

9. Claims 24, 28, 34, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Cabak (US 4,135,828).

Cabak (US 4,135,828) discloses a mixer having a bowl 74; mixer body 22 having a rotatable output component 62; a hinge structure 24, 26 attached to the mixer body to enable the bowl to pivot about the hinge relative to the mixer body and into multiple positions (Fig. 2); a sensor 92 in the form of a switch coupled to the mixer body; the bowl having a protrusion 80 which engages an actuating assembly 90 of the switch as seen in Fig. 4; control unit (col. 3, lines 1-3).

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10. Claim 41 is rejected under 35 U.S.C. 102(b) as being anticipated by DE 1070563.

DE 1070563 discloses a mixer having a bowl 1 and a bracket arrangement 15 adapted to extend from the bowl; the bracket arrangement 15 having collar members each defining vertically spaced openings that are aligned along member 11 as seen in Fig. 1.

***Allowable Subject Matter***

11. Claims 1-2, 4-8, 43-46, and 49-51 are allowed.
12. Claims 12-17, 25, 27, 32, 33, 37, 38, 39, 40, 42, and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
13. Claim 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
14. Claim 3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (703) 308-0112. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in cursive script, appearing to read "Charles E. Cooley", followed by a stylized flourish.

Charles E. Cooley  
Primary Examiner  
Art Unit 1723

15 September 2003